

JOINT RULES OF THE TWO HOUSES.*

DISAGREEMENTS BETWEEN THE TWO HOUSES.

1. In case of a disagreement between the two houses on a bill, resolution, or other matter, if a request is made for a conference by one house and a committee is appointed for that purpose, and the other house grants the request and appoints a committee to confer, such committee shall, at a convenient hour to be agreed upon by their chairmen, meet in conference and state to each other verbally or in writing, as either shall choose, the positions of their respective houses in regard to the matters in disagreement and confer freely thereon.

2. After either house shall have adhered to its disagreement, a bill, resolution, or other matter shall be lost.

3. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

COMMUNICATIONS BETWEEN THE TWO HOUSES.

4. When a message is sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person delivering the same.

The same ceremony shall be observed when a message is sent from the House of Representatives to the Senate.

5. All messages between the houses relating to the passage or rejection of any bill, resolution, or other matter shall be on paper and properly addressed to the presiding officer of the house to which the message is sent, and shall be under the signature of the Secretary of the Senate or the Chief Clerk of the House, as the case may be. All such messages shall be printed in full in the Journal of the house receiving the same.

6. In the transmission of a bill or resolution from one house to the other, such bill or resolution shall be accompanied by all papers upon which such bill or resolution is founded.

CONSIDERATION OF BILLS IN THE RESPECTIVE HOUSES AND THE FINAL PASSAGE THEREOF.

7. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate, and which is substantially the same as said Senate bill, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

8. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, and which is substantially the same as said House bill, or to lay such Senate bill

before the House to be considered in lieu of such House bill.

9. No bill shall be considered, unless it has first been referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a Committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37.) No vote shall be taken upon the passage of any bill within the last twenty-four hours of the Session, unless it be to correct an error therein.

10. In reckoning the time within which a bill has been introduced, the date of its first introduction in either house shall govern.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS AND THEIR PRESENTATION TO THE GOVERNOR.

11. After a bill shall have passed both houses, it shall be duly enrolled on paper, with all proper endorsements, by the Enrolling Clerk of the House of Representatives or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house as required by the Constitution before it shall be presented to the Governor.

12. When bills are enrolled, they may be examined by a joint committee of three Members from the Senate and three Members from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the bills as passed in the houses, and carefully correct any errors that may be discovered in

the enrolled bills, and make their report forthwith to the respective houses. Said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the house to which said report is made.

13. After examination and report, each bill shall be signed in the respective houses, first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution.

After a bill shall have been signed in each house, it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

14. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

15. In all elections by joint vote of the two houses of the Legislature, the Senate, upon invitation, will meet the House in its Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker

of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both houses answers to their names, the two houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receives a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two houses have met in Joint Session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered in the Journal of each house.

16. If a quorum of either house shall fail to attend a Joint Session, or absent themselves therefrom without the permission of such house, the Members of the house so wanting a quorum shall have the right to compel the attendance of the absentees in accordance with its own rules; and, after a reasonable time, if a quorum is not obtained, the Joint Session may be adjourned by the vote of a majority of the Members of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its Members, without debate.

17. If no choice shall have been made on the first ballot or vote, at any time thereafter the Joint Session may be adjourned, with or without naming another day for meeting, by a vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its Members, without debate.

CONFERENCE COMMITTEES.

18. In all conferences between the Senate and the House by committee, the number of committeemen from each house shall be five (5), and all votes on matters of differences shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

NOTIFICATION OF DEFEATED MEASURE.

19. When a bill, joint or concurrent resolution has been defeated in the Senate or in the House (or defeated in a committee of the respective houses), the Secretary of the Senate or the Chief Clerk of the House, as the case may be, shall immediately notify the other house of the defeat of said bill or resolution and transmit a copy of the caption of such defeated bill or resolution.

HOUSE AND SENATE BILL DAYS.

20. On calendar Wednesday and Thursday only of each week, House bills on their third and second readings, respectively, shall be taken up and consid-

ered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business, provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the Senate to permit the continued consideration of such pending business.

21. On calendar Wednesday and Thursday only of each week, Senate bills on their third and second readings, respectively, shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the House to permit the continued consideration of such pending business.

*[These Joint Rules, adopted by both House and Senate, are practically the same as those followed in preceding Texas Legislatures, except that nearly all of the obsolete material was deleted, and one change, apparently of minor importance at the time of adoption, was made in regard to the consideration of House and Senate bills unfinished in the opposite houses at the time of recess or adjournment on Thursday, the second day of the period devoted every week in each house to the consideration of bills from the other house.

The vehicle for the adoption of the Joint Rules in the Texas Legislature has been a concurrent resolution. Since concurrent resolutions, except those on questions of adjournment are presented to the Governor for approval, in the due course of business S. C. R. No. 1, containing the Joint Rules of the Forty-fifth Legislature, as amended in

the House, agreed on in conference, and finally approved by both houses, was presented to the Governor. The Governor vetoed the resolution and returned it with reasons for his veto. These are set forth at length in his message of April 30, 1937, which appears in the Journals of both houses.

Since the Constitution, on one hand, allows each house to set up its own rules of procedure (see Const., Art. 3, Sec. 11), and on the other hand, requires the presentation to the Governor for his approval every order, resolution or vote to which the concurrence of both houses may be necessary (see Const., Art. 4, Sec. 15), many differences of opinion developed in House and Senate as to whether or not the Constitution gives the Governor the right to veto the Joint Rules. Some maintained that the Governor had no right to veto rules of procedure even though they were joint rules and had been adopted in the form of a concurrent resolution. Those supporting this point of view contended that the section or sections of the Joint Rules in question could have been incorporated in the rules of each house, as they usually are in many particulars, thus attaining the same end and they would then be in no way subject to a veto.

Granting this latter point, those supporting the Governor's position pointed out that since the vehicle for the adoption of the Joint Rules was a concurrent resolution, and since it had, as always, been submitted to the Governor for his approval or disapproval, he had a perfect right under the Constitution to veto the resolution if he saw fit.

There were some who contended that while the Governor has the right to exercise a veto on any matter submitted to him, it was not necessary to submit a concurrent resolution containing Joint Rules to the Governor because of the right given the two houses to set up their own rules of procedure. Those who took this position pointed out that Sec. 15 of Art. 4 had excepted from matters to be presented to the Governor for approval resolutions on questions of adjournment, recognizing them to be purely procedural matters to be controlled by the two houses.

This was the first time in Texas legislative history a resolution setting up Joint Rules had been vetoed, and since there was no court decision for guidance, the point apparently was not and has not been finally settled. The House adopted a new concurrent resolution containing Joint Rules with the sections in controversy changed back to the old form, but the Senate did not act on the resolution. The point of order regarding the existence or non-existence of Joint Rules was never officially raised in the House. The Speaker, Mr. Calvert, held that pending a definite decision on the matter, certainly custom would prevail to the extent of making operative joint rules relating to messages between the two houses and those relating to conference committees, i. e., such rules recognized by precedent as being basic to the joint procedure of the two houses.

In the Senate, Lieutenant Governor Woodul held, in effect, by requiring suspensions of the Joint Rules in certain matters, that the Joint Rules as adopted were in force and effect. In view of this ruling and the prevailing uncertainty, several concurrent resolutions were adopted in the House and Senate suspending certain sections of the Joint Rules as adopted, for the purpose of concluding some of the business of the Regular Session.

No action concerning the Joint Rules was taken at the First Called Session nor at the Second Called Session, and the matter now stands at this point.]